

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE**

SCOTTIE HARRIS,

Plaintiff,

v.

Civil Action No. _____

BIO BLOOD COMPONENTS, INC.,
d/b/a KNOXVILLE PLASMA,¹

Defendant.

NOTICE OF REMOVAL

Defendant, Bio Blood Components, Inc. ("BBCI"), removes this action pursuant to 28 U.S.C. §§ 1331 and 1441. BBCI states the following grounds for removal:

1. Scottie Harris ("Harris") filed a lawsuit on or about December 2, 2013, in the Chancery Court for Knox County, Tennessee ("State Action"). In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the First Amended Complaint and documents that were served upon Defendant, BBCI, are attached hereto as Exhibit "1".

2. On April 28, 2014, Harris and BBCI entered an Agreed Order in the Knox County Chancery Court allowing Harris to amend his complaint to add Count III. Count III of the First Amended Complaint asserts a cause of action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1).

3. On April 28, 2014, the Amended Complaint was filed in the State Action.²

4. BBCI was served with a copy of the Amended Complaint via e-mail on April 28, 2014.

¹ On April 29, 2014, the parties entered into an Agreed Order substituting Bio Blood Components, Inc. d/b/a Knoxville Plasma as the party Defendant for Interstate Blood Bank, Inc. d/b/a Knoxville Plasma. Interstate was incorrectly named as a Defendant in the Initial Complaint and First Amended Complaint.

² See Ex. 1 at p. 11.

5. This Notice of Removal is filed in the United States District Court for the Eastern District of Tennessee, within the time frame provided by law for removal of civil actions to the United States District Court, pursuant to 28 U.S.C. § 1446.

6. BBCI is the only defendant that is the only Defendant who has been properly joined and served in this action and is the party filing this notice of removal.

7. In the First Amended Complaint, Harris alleges that he timely filed a Charge of Discrimination with the EEOC and was issued a Notice of Right to Sue on February 13, 2014.³

8. Harris alleges that BBCI “violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), which makes unlawful discrimination against employees on the basis of religion. The term ‘religion’ includes ‘all aspects of religious observance and practice, as well as belief.’ 42 U.S.C. § 2000e(j).”⁴

9. Harris alleges that BBCI “discriminated against Plaintiff in violation of Title VII when he objected to the inappropriate ‘test’ on religious grounds. Subsequently in violation of Title VII, Defendant retaliated against Plaintiff as a result of his complaint with regard to this ‘test.’”

VENUE

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the underlying state court action was filed in Knox County, Tennessee, which is within the territory of this United States District Court.

11. Venue is also proper in this district under 28 U.S.C. § 1391(b) and (c) since (1) Defendants are subject to personal jurisdiction in this district and (2) a substantial part of the alleged events or omissions giving rise to Harris’s claims occurred in this district.

³ See Ex. 1, First Amended Complaint ¶¶ 21-22.

⁴ See Ex. 1, First Amended Complaint at ¶ 23.

BASIS FOR FEDERAL QUESTION JURISDICTION

12. BBCI is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1331 because this lawsuit involves a federal question.

13. Harris explicitly states causes of action under Title VII of the Civil Rights Act, codified at 42 U.S.C. § 2000e, *et seq.*⁵

14. Furthermore, the Court may exercise supplemental jurisdiction over any claims in this case or controversy for which there is not original jurisdiction.⁶

15. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly give written notice of the removal of this action to all parties and will file a copy of this Notice with the state court. A copy of the Notice of Removal being filed in the State Action is attached hereto as Exhibit “2”.

WHEREFORE, Defendant, BBCI, removes this action from the Chancery Court of Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee, in accordance with 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

/s/ J. Gordon Howard
J. Gordon Howard (TN 26850)
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⁵ See Ex. 1, Amended Complaint at ¶¶ 20-25

⁶ See 28 U.S.C. § 1367.

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2014, I served a true and exact copy of the foregoing document upon all counsel of record by electronic filing in accordance with the Court's electronic filing program, and by properly addressed first class mail to any others.

Ms. Celeste Herbert, Esq.
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/s/ J. Gordon Howard
J. Gordon Howard